IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 22458 of 2007(W)

PETITIONER:

ANI FRANCIS, THOTTUPURAM HOUSE,
POONITHURA P.O., CHAMPUKKA, ERNAKULAM.

BY ADV. SRI.A.J.JOSE(AEDAIODI)

RESPONDENTS:
---

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. COMMISSIONER OF POLICE, TRIVANDRUM CITY,
THIRUVANANTHAPURAM.

3. SUB INSPECTOR OF POLICE, PEROORKKADA
POLICE STATION, THIRUVANANTHAPURAM.

4. SUB INSPECTOR OF POLICE, MUSEUM POLICE
STATION, TRIVANDRUM

5. P.P.POULOSE, PALANATTIL CONSTRUCTION
COMPANY, PAN INDIA, REVIEW BUILDING,
KURISADI ROAD, NALAMCHIRA, KESAVADASAPURAM,
THRIUVANANTHAPURAM.

BY ADV. SRI.K.BABU THOMAS -R5
GOVT. PLEADER SRI.P.A.SALIM – R1 TO R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETTTIONER'S EXTS.

EXT.P1 – TRUE COPY OF THE COMPLAINT DATED 20.6.2007 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXT.P2 – TRUE COPY OF THE FAX MESSANGE SUBMITTED ALONG WITH EXT.P1.

EXT.P3 - TRUE COPY OF THE RECEIPT ISSUED FOR RECEIPT OF EXTS.P1 AND P2 BY THE 3RD RESPONDENT.

EXT.P4 - TRUE COPY OF THE SAID COMPLAINT DATED 8.7.2007 SUBMITTED BY MR.N.S.JOHN.

EXT.P5 - TRUE COPY OF THE LETTER DATED 10.7.2007 ADDRESSED TO THE 2ND RESPONDENT.

/TRUE COPY/

K.BALAKRISHNAN NAIR &

HARUN-UL-RASHID, JJ.

W.P.(C) NO. 22458 OF 2007-W

Dated 22nd August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking the following reliefs:

> "(i) To issue a writ of mandamus or such other appropriate writ, order or direction commanding respondents 1 to 4 to render proper and sufficient police protection to the life and property of the petitioner for the smooth conduct of his business at the properties situated in Vattappara Village of Nedumangad Taluk in Thiruvananthapuram District.
>
> (ii) To grant such other reliefs including investigation of the complaint under Exts.P1, P2, P4 and P5 along with crime 79/CB/31/04 of Museum Police Station and file report of the same before Court within a reasonable time."

2. The learned Government Pleader, upon instructions, submitted that the dispute raised by the petitioner before the police in his representation is a civil dispute concerning the encroachment into a property. He further submitted that the police on enquiry found that the allegations in his representations were not correct also.

3. Heard. We feel that having regard to the nature of the dispute, the petitioner has to move the competent civil court and seek appropriate reliefs. The police cannot be directed to act as claimed by the petitioner. In the result, the writ petition is dismissed without prejudice to the contentions of the petitioner regarding the encroachment by the people of the locality and his right to move the competent civil or criminal court, as the case may be, for appropriate reliefs.

K.BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID, JUDGE.

Nm/